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April 2, 2024

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**VIA ECF**

Hon. Judge Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

**Re: Chakma, et al. v. Sushi Katsuei, Inc, et al.**  
Case No. 1:23-cv-07804-KPF

Dear Judge Failla:

This office represents Defendants in the above referenced matter. I write to respectfully request an extension of discovery deadline for Defendants to complete paper discovery and depositions until May 16, 2024.

Pursuant to Your Honor's Individual Rules, Section C (i), Defendants write as follows:

1. The original due date for Fact discovery to be completed by April 10, 2023; All expert discovery, including deposition to be completed no later than 5/27/2024; Depositions of fact witnesses shall be completed by 4/3/2024, and Pretrial Conference is scheduled on 4/16/2024. (See, Dkt No. 23);
2. This is Defendants' first time for requesting extension of time to complete discovery;
3. The reason for asking such request is that Defendants need more time to complete discovery and the party depositions have not conducted to date;

Since the January 16, 2024 Conference, Defendants produced over 6000 pages of the documents. Due to the nature of their documents (e.g., hand-written note pages that required compiling the documents in a chronological order and individual redactions to each of the pages that reflect important financial information). To date, Defendants produced, in total, 6153 pages of the documents. Due to the high volume of the documents, the undersigned's office experienced staffing issues. During the course of

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discovery, one of the individual defendants had a physical accident and Counsel experienced eye injury. On March 13, 2024, Defendants served discovery requests, along with deposition notices, and Plaintiffs have not served their paper discovery responses. Last week, Defendants' Counsel was informed that Defendants were able to locate further documents reflecting 3-years of record pertaining to one of the Corporate Defendants that would require approximately 2 weeks for Defendants to gather all of the remaining documents. Counsel expects that she needs approximately 1-week for compile, organize, and make necessary redactions to Defendants' documents to fully supplement their discovery responses. None of the Party-depositions is conducted yet to date;

4. Plaintiffs consent to extend the fact discovery until May 16, 2024, but only to extend Defendants' time to receive supplemental documents and complete Defendants' depositions. Defendants request to extend the fact discovery until May 16, 2024 to complete all the paper discovery and the parties' depositions;
5. Currently the pretrial conference is scheduled on April 16, 2024; and Plaintiffs' time to submit a joint proposed briefing schedule for class certification is due April 24, 2024 (See, January 16, 2024 Order); and,

As such Defendants propose the parties to complete fact discovery by May 16, 2024; and the pretrial conference to be held on May 22, 2024 or any other day(s) that the Court considers proper, after the completion of discovery.

We thank the Court for its time and continued attention to this matter.

Respectfully Submitted,

Seo Law Group, PLLC

By: /s/ Diana Seo  
Diana Y. Seo, Esq.  
*Attorneys for Defendants*

cc: All counsel of record (via ECF)

Application GRANTED. The Court will grant Defendants' requested extension of the fact discovery deadline, principally in light of the reported medical issues that have exacerbated Defendants' efforts to produce a high volume of discovery. Still, it is concerning both that the parties have not conducted any depositions in this matter, and that Plaintiff has apparently not responded to Defendants' discovery requests.

The parties shall complete all fact discovery, including depositions, by on or before **May 16, 2024**. There will be no further extensions of this deadline, absent exigent circumstances.

The post-fact discovery conference scheduled for April 16, 2024 is hereby ADJOURNED to **May 29, 2024**, at **11:00 a.m.** The conference will take place in Courtroom 618 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. In connection with the required pre-conference submissions set forth in the Case Management Plan (Dkt. #23), the parties shall also submit a joint proposed briefing schedule for any anticipated motions for class and/or collective certification.

The Clerk of Court is directed to terminate the pending motion at docket entry 25.

Dated: April 3, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE